

UNITED STATES PATENT & TRADEMARK OFFICE
Washington, D.C. 20231

REQUEST FOR PATENT FEE REFUND																
1 Date of Request: 09/15/06				2 Serial/Patent # 08/842,827												
3 Please refund the following fee(s):				4 PAPER NUMBER	5 DATE FILED	6 AMOUNT										
	Filing					\$										
	Amendment					\$										
	Extension of Time					\$										
	Notice of Appeal/Appeal					\$										
X	Petition			IFW	04/03/06	\$ 750.00										
	Issue					\$										
	Cert of Correction/Terminal Disc.					\$										
	Maintenance					\$										
	Assignment					\$										
	Other					\$										
				7 TOTAL AMOUNT OF REFUND		\$ 750.00										
				8 TO BE REFUNDED BY:												
10 REASON:				Treasury Check												
	Overpayment			X	Credit Deposit A/C #:											
	Duplicate Payment			9 <table border="1" style="display: inline-table; border-collapse: collapse; text-align: center;"> <tr> <td style="width: 20px;">1</td> <td style="width: 20px;">9</td> <td style="width: 20px;">--</td> <td style="width: 20px;">0</td> <td style="width: 20px;">7</td> <td style="width: 20px;">4</td> <td style="width: 20px;">1</td> </tr> </table>						1	9	--	0	7	4	1
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X	No Fee Due (Explanation):															
Abandonment withdrawn, Petition GRANTED under 1.181																
11 REFUND REQUESTED BY:																
TYPED/PRINTED NAME: Patricia Faison-Ball				TITLE: ATTORNEY												
SIGNATURE: <i>Patricia Faison-Ball</i>				PHONE: 2-3212												
OFFICE: PETITIONS																
***** THIS SPACE RESERVED FOR FINANCE USE ONLY: *****																
APPROVED: <i>[Signature]</i>				DATE: 9/18/06												

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Instructions for completion of this form appear on the back. After completion, attach white and yellow copies to the official file and mail or hand-carry to:

**Office of Finance
Refund Branch
Crystal Park One, Room 802B**



Atty. Dkt. No. 077319-0125

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: David W. LEUNG *et al.*
Title: HUMAN PHOSPHATIDIC ACID PHOSPHATASE
Appl. No.: 08/842,827
Filing Date: April 17, 1997
Examiner: Rebecca E. PROUTY
Art Unit: 1652

**PETITION FOR REVIVAL OF APPLICATION FOR PATENT
ABANDONED UNINTENTIONALLY UNDER 37 C.F.R. § 1.137(b)**

Commissioner for Patents
P. O. Box 1450
Alexandria, Virginia 22313-1450

Attn: OFFICE OF PETITIONS

Sir:

The above-identified application became abandoned on February 28, 2006 for failure to timely submit payment of the issue fee.

Applicants hereby petition for revival of this application. A grantable petition requires the following items:

(1) **Required reply and/or fee.**

A credit card payment in the amount of \$700.00 (small entity) to cover the costs of payment of the issue fee is enclosed.

(2) **Petition fee (37 C.F.R. § 1.17(m))**

Also a credit card payment in the amount of \$750.00 (small entity) is enclosed for the amount stated in 37 C.F.R. § 1.17(m) to cover the fee for this petition.

Applicants hereby submit that The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-

1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper

Adjustment date: 09/18/2006 CKRLOK
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750.00 OP

payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741.

(3) **Statement that the abandonment was unintentional.**

Applicants hereby state that the Notices of Allowance and Allowability and the Notice of Issue and Publication fees due was not received until March 6, 2006.

Attached is a copy of the reverse side of the first page of the PTOL-85 reflecting the date, March 6, 2006, on which the Notices of Allowance and Allowability were date-stamped by docketing personnel as being received in the offices of Foley & Lardner LLP.

The attached copy of the Notices of Allowance and Allowability indicate that payment of the issue fee was due by no later than February 28, 2006. However, since the notice was not received until March 6, 2006, the case has automatically become abandoned for Applicants' failure to timely pay the issue fee within three (3) months of the Notice of Allowance.

Also attached is a Declaration of Susan Spina, docketing specialist at Foley & Lardner LLP, attesting to the date that the Notice was received.

In addition, Applicants also submit a "docketing report" reflecting all of the U.S. patent correspondence received and recorded in the docketing system from November 29, 2006 through March 6, 2006. Highlighted in yellow is the date on which the Notice for the above-identified application was received.

Applicants submit that the entire delay in filing the required reply, from the due date for the reply until the filing of this petition, was unintentional.

(4) **Any required terminal disclaimer (37 C.F.R. § 1.137(c)).**

No terminal disclaimer is required in this application under 37 C.F.R. § 1.137(c) since this application was not filed before June 8, 1995.

REMARKS

In view of the foregoing and following remarks, Applicants submit that the entire delay in making payment of issue fee by February 28, 2006 was unintentional, as the Notice was not received until March 6, 2006. Applicants have attached the issue fee transmittal form and payment and, therefore, request that the instant application be passed to issue. Applicants also submit a request for refund of the petition fee, as the Notice was not received by Applicants' undersigned representative until after payment of the issue fee was due.

Respectfully submitted,

Date 3 April 2006

By Stephen A. Bent

FOLEY & LARDNER
Washington Harbour
3000 K Street, N.W., Suite 500
Washington, D.C. 20007-5143
Telephone: (202) 672-5404
Facsimile: (202) 672-5399

Stephen A. Bent
Attorney for Applicant
Registration No. 29,768